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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,159	03/24/2004	Susanne Marie Crockett	P24714 (SBC MS1019)	6473

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RESTON, VA 20191

EXAMINER

GAUTHIER, GERALD

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 12/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/807,159

Applicant(s)

CROCKETT ET AL.

Examiner

Gerald Gauthier

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. **Claim(s) 1-20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Koch (US 2004/0111269 A1) in view of Speeney et al. (US 2003/0099336 A1).

Regarding **claim(s) 1**, Koch discloses a method for executing a network service provided in a public switched telephone network (FIG. 1 and paragraph 0001), the method comprising:

receiving a message from a service control point (SCP 310 on FIG. 3) at a voice extensible markup language platform (VXML gateway 312 on FIG. 3), the message comprising an announcement (FIG. 3 and paragraphs 0042 and 0043); and

Koch discloses an SCP sending the announcement to the platform but fails to disclose an announcement ID to the platform.

However, Speeney teaches analyzing the announcement identification, to determine a remote location where an announcement corresponding to the announcement identification is stored (paragraph 0029);

playing the announcement, wherein the announcement stored at the remote location can be created or changed by a user without affecting the announcement identification (paragraph 0029).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Koch using the teaching of closing prompt service as taught by Speeney.

This modification of the invention enables the system to send an announcement ID to the platform so that the user would have the advantage of listening of an advertisement.

Regarding **claim(s) 2, 9 and 16**, Koch discloses a method, in which the VXML platform comprises an intelligent peripheral component and a VIMS component (FIG. 1 and paragraph 0036).

Regarding **claim(s) 3, 10 and 17**, Koch discloses a method, further comprising: receiving the announcement identification at the IP component (FIG. 1 and paragraph 0035);

encoding the announcement identification so that the IP component recognizes that the VIMS component will process the announcement identification (FIG. 1 and paragraph 0035); and

forwarding the announcement identification to the VIMS component (FIG. 1 and paragraph 0035).

Regarding **claim(s) 4 and 11**, Koch discloses a method, further comprising, at the VIMS component, correlating the announcement identification to the announcement location (FIG. 1 and paragraph 0035).

Regarding **claim(s) 5, 12 and 18**, Koch discloses a method, in which the correlating is based upon a server location identification provided in a customer profile (FIG. 1 and paragraph 0042).

Regarding **claim(s) 6 and 13**, Koch discloses a method, in which the remote location comprises a web server (FIG. 1 and paragraph 0040).

Regarding **claim(s) 7 and 14**, Koch discloses a method in which the web server is identified by a uniform resources locator (FIG. 1 and paragraph 0038).

Regarding **claim(s) 8**, Koch discloses a system for executing a network service provided in a public switched telephone network (FIG. 1 and paragraph 0001), the system comprising:

a voice extensible markup language platform configured for receiving a message comprising an announcement identification, the VXML platform analyzing the announcement identification to determine a remote customer location where an announcement corresponding to the announcement identification is stored, and then playing the announcement (FIG. 3 and paragraphs 0042 and 0043).

Koch discloses an SCP sending the announcement to the platform but fails to disclose an announcement ID to the platform.

However, Speeney teaches wherein the announcement stored created or changed by a user without affecting the announcement identification (paragraph 0029).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Koch using the teaching of closing prompt service as taught by Speeney.

This modification of the invention enables the system to send an announcement ID to the platform so that the user would have the advantage of listening of an advertisement.

Regarding **claim(s) 15**, Koch discloses a voice extensible markup language platform for facilitating execution of a network service provided in a public switched telephone network (FIG. 1 and paragraph 0001), the platform comprising:

a receiver for receiving a message from a service control point, the message comprising an announcement identification (FIG. 3 and paragraphs 0042 and 0043).

Koch discloses an SCP sending the announcement to the platform but fails to disclose an announcement ID to the platform.

However, Speeney teaches an interface for playing the announcement, wherein the announcement stored at the remote customer location can be created or changed by a user without affecting the announcement identification (paragraph 0029).

an analyzer for determining a remote customer location where an announcement corresponding to the announcement identification is stored, based on at least the announcement identification (paragraph 0029).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Koch using the teaching of closing prompt service as taught by Speeney.

This modification of the invention enables the system to send an announcement ID to the platform so that the user would have the advantage of listening of an advertisement.

Regarding **claim(s) 19**, Koch discloses a voice extensible markup language platform, in which the VXML platform communicates with the service control point using intelligent network application part signaling (FIG. 1 and paragraph 0035).

Regarding **claim(s) 20**, Koch discloses a voice extensible markup language platform, in which the VXML platform communicates with a web server storing the announcement in order to play the announcement (FIG. 1 and paragraph 0038).

Response to Arguments

5. Applicant's arguments with respect to **claim(s) 1-20** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

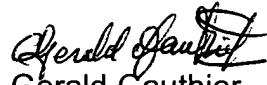
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Gerald Gauthier
Primary Examiner
Art Unit 2614

GG
December 7, 2006